UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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Counsel to Vollers Excavating and Construction, Inc.

In re:

ASSUNCAO BROS., INC.,

Debtor.

Chapter 11 (Subchapter V)

Case No. 22-16159-CMG

Judge: Hon. Christine M. Gravelle

Hearing Date: January 31, 2023

Objection Deadline: January 24, 2023

NOTICE OF MOTION FOR ENTRY OF ORDER (I) ENFORCING SALE ORDER AGAINST EXTECH BUILDING MATERIALS, INC., (II) DETERMINING THAT CLAIM AGIANST CONTI ENTERPRISES, INC.'S BONDING COMPANY VIOLATES THE SALE ORDER, (III) DIRECTING LIBERTY TO WITHDRAW THE CLAIM, AND (IV) GRANTING RELATED RELIEF

PLEASE TAKE NOTICE that on January 31, 2023 at 10:00 a.m. (Eastern Time), or as soon thereafter as counsel may be heard, Vollers Excavating and Construction, Inc. ("Vollers"), a the purchaser of substantially all the assets of Assuncao Brothers, Inc. the above-captioned debtor ("ABI" or the "Debtor"), by and through his counsel, shall move (the "Motion") before the Honorable Christine M. Gravelle, United States Bankruptcy Judge, in Courtroom #3 of the United States Bankruptcy Court for the District of New Jersey, 402 East State Street, Trenton, New Jersey 08608, for entry of an order, substantially in the form submitted herewith, (i) enforcing the Sale Order (as defined in the Motion) against Extech Building Materials, Inc. d/b/a Liberty Building Products ("Liberty"), an ABI supplier on a Subcontract (as defined in the Motion), between ABI

and Conti Enterprises, Inc. ("Conti") (ii) determining that Liberty's claim against Conti's surety violates the Sale Order, (iii) requiring Liberty to withdraw it claim against Conti's surety, and (iv) granting related relief.

PLEASE TAKE FURTHER NOTICE that Vollers shall rely upon the Motion filed herewith together with the Certification of Louis A. Modugno, Esq. No brief is necessary as no novel issues of fact or law are presented by the Motion. A proposed form of order was also submitted therewith. Oral argument is requested in the event an objection is timely filed.

PLEASE TAKE FURTHER NOTICE that any objection to the Motion must be filed with the Clerk of the Court together with proof of service thereof, and served so as to be actually received no later than January 24, 2023 at 5:00 p.m. (ET) by counsel to Vollers, Trif & Modugno, LLC, 89 Headquarters Plaza, Suite 1201, Morristown, New Jersey 07960, Attention: Louis A. Modugno (lmodugno@tm-firm.com).

PLEASE TAKE FURTHER NOTICE that objections to the Motion, if any, must: (a) be in writing; (b) comply with the Bankruptcy Rules and the Local Rules; and (c) state with particularity the legal and factual basis for the objection.

PLEASE TAKE FURTHER NOTICE that unless an objection is timely filed and served in accordance with this notice, it may not be considered by the Bankruptcy Court. In the event no objections are filed, the relief requested in the Motion may be granted without a hearing.

Dated: January 5, 2023 Respectfully submitted,

TRIF & MODUGNO, LLP

/s/ Louis A. Modugno
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